

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

KATHLEEN KITTERMAN, ANNA CRONIN,
CORRIE BALL, MARVIN BALL,
MARGARET BROGAN and EVAN JONES,

Plaintiffs,

v.

Case No. 2:12cv146

CLAUDIO TOVAR-GUZMAN,
FORTINO GARCIA AND SONS HARVESTING, INC.
and KUZZENS, INC.,

Defendants.

RESPONSE TO PLAINTIFFS'
FIRST REQUESTS FOR ADMISSION TO
KUZZENS, INC.

Kuzzens, Inc. ("Kuzzens"), by counsel, for its response to plaintiffs' first requests for admission states as follows:

1. Claudio Tovar-Guzman worked on Kuzzens' farm in South Carolina during June 2011.

RESPONSE: Denied.

2. Kuzzens issued a check to Tovar-Guzman on July 7, 2011 for the work he completed during the week ending July 2, 2011.

RESPONSE: Denied.

3. From before June 2011 through the date of this pleading was served, LFC Enterprises, Inc. was an affiliate of Kuzzens.

RESPONSE: See previously served objection.

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4. From before June 2011 through the date of this pleading was served, LFC Agricultural Services, Inc. was an affiliate of Kuzzens.

RESPONSE: See previously served objection.

5. From before June 2011 through the date of this pleading was served, LFC Administrative Services, Inc. was an affiliate of Kuzzens.

RESPONSE: See previously served objection.

6. From before June 2011 through the date of this pleading was served, Fortino Garcia and Sons Harvesting, Inc., was an affiliate of Kuzzens.

RESPONSE: Admitted that Fortina Garcia and Sons Harvesting, Inc. was a labor contractor for Kuzzens. Otherwise, denied.

7. For before June 2011 through the date of this pleading was served, Lipman was a fictitious name for Kuzzens.

RESPONSE: Admitted.

8. On or about June 30, 2011 and July 1, 2011, Kuzzens stopped the harvesting of tomatoes on its farm in South Carolina in order to begin harvesting of the crop in Kuzzens farm in Virginia.

RESPONSE: Denied.

9. On or about June 30, 2011 and July 1, 2011, David Garcia on behalf of Kuzzens caused at least some of the seasonal and agricultural workers who were harvesting of tomatoes on its farm in South Carolina to stop that Harvest in order to begin harvesting of the crop in Kuzzens' farm in Virginia.

RESPONSE: Admitted that Garcia notified crew leader that some workers were needed

in Virginia. Otherwise, denied.

10. At the end of June 2011 and the beginning of July 2011, Kuzzens required seasonal and migrant workers to leave Kuzzens' South Carolina farm and travel to Kuzzens' farm in Virginia, in order to remain employed by Kuzzens.

RESPONSE: Denied.

11. Kuzzens hired buses to transport migrant and seasonal workers from South Carolina to Kuzzens' farm in Virginia.

RESPONSE: Denied.

12. Individual Migrant and Seasonal Agricultural workers, who worked at Kuzzens' farm in South Carolina during June 2011, traveled by bus from South Carolina to the Eastern Shore of Virginia, where they continued to work for Kuzzens on its farm(s) in Virginia.

RESPONSE: Admitted that some workers worked on farms in South Carolina and Virginia and may have traveled by bus.

13. Without seasonal and migrant agricultural workers to harvest the crops on Kuzzens' farms, the crops would rot in the fields.

RESPONSE: Admitted.

14. During June 2011 and July 2011, Kuzzens operated under the fictitious name of "Lipman."

RESPONSE: Admitted..

15. During June 2011 and July 2011, David Garcia acted on behalf of Kuzzens.

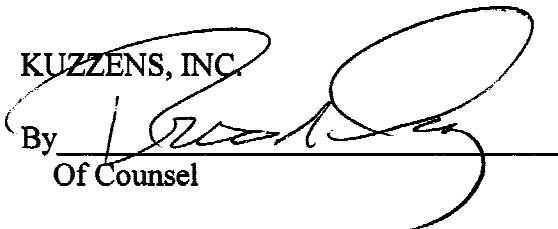
RESPONSE: Admitted that at some times David Garcia acted on behalf of Kuzzens during the time periods indicated.

16. During June 2011 and July 2011, David Garcia managed the harvesting of crops from Kuzzens' farm(s).

RESPONSE: Admitted.

17. During June 2011 and July 2011, David Garcia directed the labor necessary to harvest the crops at Kuzzens' farms in South Carolina and Virginia.

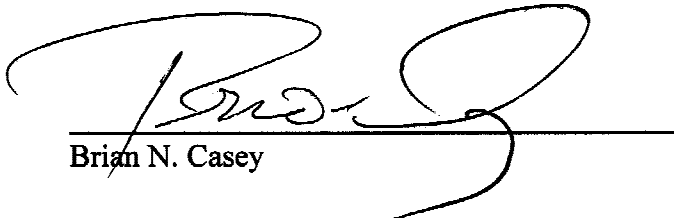
RESPONSE: Admitted.

KUZZENS, INC.
By 
Of Counsel

James E. Brydges, Jr., Esquire
Brian N. Casey, Esquire
TAYLORWALKER P.C.
Post Office Box 3490
Norfolk, Virginia 23514-3490
(757) 625-7300
(757) 625-1504 (fax)

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Response to Plaintiffs' First Requests for Admission to Kuzzens, Inc. were mailed first-class, postage prepaid to Patrick Brogan, Esquire, Bryan K. Meals, Esquire, DAVEY & BROGAN, P.C., 101 Granby Street, Suite 300, Norfolk, VA 23514-3188; Todd M. Fiorella, Esquire, FRAIM & FIORELLA, P.C., Town Point Center, 150 Boush Street, Suite 601, Norfolk, VA 23510; James R. Jebo, Esquire, Michael E. Harman, Esquire, Lynne J. Blain, Esquire, HARMAN, CLAYTOR, CORRIGAN & WELLMAN, Post Office Box 70280, Richmond, VA 23255; and to H. Robert Yates, III, Esquire, Alexander K. Page, Esquire, LeCLAIR RYAN, 123 East Main Street, Eighth Floor, Charlottesville, VA 22902, this 25 day of April, 2013.


Brian N. Casey